

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KENNETH CURRY, RICARDO MAZZITELLI
and JACQUELINE BROWN-PILGRIM,

Plaintiffs,

- against -

P&G AUDITORS AND CONSULTANTS,
LLC, GRC SOLUTIONS, LLC, PGX, LLC and
APPLE BANCORP, INC.

Defendants

- and -

PGX, LLC,

Crossclaim Plaintiff,

- against -

KDC CONSULTING, LLC, KENNETH
CURRY (IN HIS CAPACITY AS MANAGING
MEMBER OF KDC CONSULTING, LLC),
BROPIL CONSULTING, LLC, JACQUELINE
BROWN-PILGRIM (IN HER CAPACITY AS
MANAGING MEMBER OF BROPIL
CONSULTING, LLC), and DENNIS PILGRIM
(IN HIS CAPACITY AS MANAGING
MEMBER OF BROPIL CONSULTING, LLC),

Crossclaim
Defendants.

KENNETH CURRY, RICARDO MAZZITELLI,
JACQUELINE BROWN PILGRIM, on behalf of
themselves and other similarly situated,

Plaintiffs,

- against -

P&G AUDITORS AND CONSULTANTS, LLC;
GRC SOLUTIONS, LLC; PGX, LLC; AND
APPLE BANCORP, INC. d/b/a APPLE BANK
FOR SAVINGS,

Defendants.

4823-8299-4928v.3 0110703-000004

Case No. 20-cv-6985-LTS-SLC

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If you ~~were employed~~workedprovided services as an Anti Money Laundering investigator, ~~or~~ an Anti Money Laundering Quality Assurance reviewer, or a Team Lead on either of the Apple Bank Lookback Review Projects, please read this notice.

A pending collective action lawsuit may affect your legal rights.

This is not a solicitation from a lawyer.

Three individuals who ~~worked on the~~provided services in connection with one or both of two Apple Bank Lookback Review projects have sued P&G Auditors and Consultants, LLC (“P&G”), GRC Solutions, LLC (“GRC”), PGX, LLC (“PGX”) (P&G, GRC, and PGX are collectively referred to as the “Contractor Defendants”) and Apple Bancorp, Inc. d/b/a Apple Bank for Savings (“Apple Bank”) (the Contractor Defendants and Apple Bank collectively referred to as “Defendants”) claiming ~~that Defendants have failed to pay Anti Money Laundering investigators, Anti Money Laundering Quality Assurance reviewers, and Team Leads~~entitlement to proper overtime compensation.

- The Court has conditionally certified this lawsuit as a collective action under the Fair Labor Standards Act (“FLSA”). The collective members consist of Anti Money Laundering investigators (AMLs), Anti Money Laundering Quality Assurance reviewers (“QAs”), and Team Leads (“TLs”) who ~~worked for~~provided services in connection with the Apple Bank Lookback Review project Defendants at any time from ~~August-June~~ 28, 20187 to the present.
- The Court has not decided who is right and who is wrong. There is no money or settlement available now and there is no guarantee that any money will be made available to those who join the collective action. The Court neither encourages nor discourages any person from joining the collective action.
- Your legal rights may be affected, and you have a choice to make~~now~~.

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I. BASIC INFORMATION

1. Why did I get this Notice?

Defendants' records show that you ~~have worked for Defendants~~ provided services in connection with one or more of the Apple Bank Lookback Review projects as an AML, QA, or TL at some time between August 28, 2017 [3 years before mailing date] and the present. This Notice explains that the Court has authorized Plaintiffs to ~~proceed with a collective action~~ provide you with notice of pendency of this lawsuit under the FLSA. You have legal ~~rights and~~ options that you may exercise. A trial may be necessary to decide whether the claims being made by the Plaintiffs against the Defendants, and by PGX against certain Plaintiff and their respective business entities, -on your behalf- are correct or whether the various defenses to those claims are correct.

2. What is this lawsuit about?

~~This In relevant part, this~~ lawsuit is about whether ~~Defendants properly paid~~ AMLs, QAs, or TLs are entitled to overtime in accordance with ~~the federal and state~~ labor laws. In particular, this notice relates to Plaintiffs' claims that ~~Defendants violated federal law by failing to pay~~ AMLs, QAs, ~~or~~ and TLs were misclassified as independent contractors rather than employees, and are therefore entitled to an overtime compensation at 1 and 1/2 premium equal to 50% of times their regular agreed-upon rate of pay for every hour worked over 40 per workweek.

3. What is Defendants' position?

Defendants deny all of Plaintiffs' claims.

The ~~Contractor Defendants~~ maintain that each of the AMLs, QAs and TLs was properly classified as an independent contractor rather than an employee, and that, as such, no AML, QA or TL is they have fully complied with all of the federal and state wage and hour laws at issue, and that no current or former employees no AMLs, QAs, or TLS are legally entitled to any additional compensation.

PGX maintains that its contracting counterparties are under a duty to defend it in connection with any claims arising under their respective agreements. PGX has asserted crossclaims against KDC Consulting, LLC ("KDC") and Bropil Consulting, LLC ("Bropil"), two of the business entities with which it contracted, on the grounds that they have breached their contracts with PGX by failing to defend it in this action. PGX has also asserted crossclaims against KDC's and Bropil's managing members (including two of the Plaintiffs) on the grounds that they dissolved their business entities upon receiving notice of the pendency of PGX's claims.

In addition, Apple Bank has made a motion asking the Court to dismiss all claims against it. The Court has not yet decided whether or not to dismiss the claims against Apple Bank.

4. What is a collective action and who is involved?

In a collective action lawsuit, one or more persons sue on behalf of other people who may have similar claims under the FLSA. All AMLs, QAs, or TLs who decide to participate in the case must file the attached Consent to Sue form and become "opt-in plaintiffs." The collective may be "decertified" prior to ultimate resolution on the merits, which means that the claims of opt-in plaintiffs would no longer be part of the lawsuit. One In the absence of "decertification," one court resolves the issues for everyone who decides to join the case as opt-in plaintiffs.

5. Has the Court decided who is right?

The Court has not decided whether Plaintiffs or Defendants are correct. By issuing the Notice, the Court is not suggesting that either the Plaintiffs or PGX will ~~win or lose the case~~prevail on their claims.

6. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether Defendants did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, and if you join the FLSA collective action, you will be ~~notified how to ask for a share~~involved in the lawsuit from that point forward.

II. WHO IS IN THE COLLECTIVE?

7. Am I a part of the FLSA Collective?

The Court has decided that any individual employed by who worked for Defendants provided services on the Apple Bank Lookback Review project as an AML, QA, or TL at any time between August 28, 2017[3 years prior to mailing] and the present is eligible to ~~join the FLSA-~~Collectivereceive this notice. You are not_

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a member of the FLSA Collective unless you return the Consent to Sue form in a timely manner, which will be filed with the Court.

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8. I'm still not sure if I am included.

If you are still not sure whether you are included, you can ~~get free help by calling~~ Plaintiffs' Counsel, Julia H. Klein, Esq., at Klein Law Group of New York, PLLC at (347) 292-8170 or writing Plaintiffs' counsel at jklein@kleinlegalgroup.com.

9. ~~Can I participate in this lawsuit even though, due to my immigration status, I was not working at Defendants legally?~~

~~Yes. Your immigration status does not affect your entitlement to recover back wages or participate in this lawsuit.~~

10.9. ~~Can Defendants fire me or take other action against me because I am part of this case?~~

~~PGX has asserted claims against its contacting counterparties. However, No. ~~Federal law prohibits employers from prohibiting Defendants from discharging or in any other manner discriminating-retaliating against any worker-employee for joining-exercising rights under the FLSA, this lawsuit.~~ If you have any questions about this, contact Klein Law Group of New York, PLLC at (347) 292-8170.~~

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III. YOUR RIGHTS AND OPTIONS

You have to decide whether to file the attached Consent to Sue form to assert your FLSA claims.

11.10. How do I join the FLSA Collective?

If you choose to join the FLSA Collective, you have to read, sign, and promptly return the Consent to Sue form at the end of this Notice. The form must be sent to:

Julia H. Klein, Esq.
120 East 79th Street, Suite 1A
New York, New York 10021
(347) 292-8170
jklein@kleinlegalgroup.com

If you want to join the lawsuit, your consent form must be postmarked no later than 90-60 days from first mailing and filed with the Court within three years of the last day you provided services in connection with the Apple Bank Lookback Review. If your signed Consent to Join Form is not postmarked, emailed, or faxed by 60 days from first mailing, 60 days from mailing, you may not be allowed to participate in the federal law portion of this lawsuit.

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11. What happens if I join the FLSA Collective?

If you join this lawsuit and remain part of the collective, you will be bound by any ruling, settlement or judgment, whether favorable or unfavorable. If your business entity agreed to defend PGX against lawsuits concerning the Apple Bank Lookback Review, PGX may seek to enforce that agreement. You will also share in any proceeds from a settlement or judgment favorable to the party-plaintiffs. By joining this lawsuit, you designate Plaintiffs as your representatives, and to the fullest extent possible, you designate Plaintiffs to make

decisions on your behalf concerning the case, the method and manner of conducting the case, and all other matters pertaining to this lawsuit. Decisions made and agreements entered into by Plaintiffs relating to the lawsuit will be binding on you if you join the lawsuit.

If you elect to join this case, you may be required to participate in the discovery process under the supervision of this Court, including responding to written interrogatories and document production requests, appearing at a deposition, and, potentially, testifying at a trial in this matter. In addition, if you elect to join this case, you or your business entity may be held accountable for costs, and ~~you~~ may be subject to crossclaims asserted by PGX.

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12. What happens if I do nothing at all?

If you choose not to join this lawsuit, you will not be affected by any settlement or judgment rendered in this case, whether favorable or unfavorable. You may lose the ability to assert federal claims because of the running of the statute of limitations.

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IV. THE LAWYERS REPRESENTING YOU

13. Do I have lawyers in the case?

If you join the lawsuit, you will become a “party plaintiff” and, unless you inform Plaintiffs’ counsel or the Court in writing, you will be represented by Julia H. Klein, [Esq.](#) of Klein Law Group of New York, PLLC, [D. Maimon Kirschenbaum, Esq.](#) and [Denise A. Schulman, Esq.](#) of [Joseph & Kirschenbaum LLP](#), and [Melissa Mazzitelli, Esq.](#) of the [Mathis Law Group](#).

You also have the right to hire your own attorney should you wish to.

The attorneys’ fee arrangement for this case provides that Plaintiffs’ counsel is handling this matter on a contingency basis, *i.e.*, that the attorneys’ fees and costs will be determined on a percentage basis based on the recovery on behalf of Plaintiffs. If there is no recovery or judgment in Plaintiffs’ favor, Plaintiffs’ counsel will not seek any attorneys’ fees from any of the Plaintiffs. The agreement further provides that at the conclusion of the case, Plaintiffs’ counsel will make an application to the Court for the recovery of fees and costs, that the Court has discretion of the amount of fees to award, and that the fees may be as much as one-third of any settlement fund or judgment.

The Contractor Defendants are represented by Michael Goettig, Esq. [and Lyle Zuckerman, Esq.](#), Davis Wright Tremaine LLP, 1251 Avenue of the Americas, 21st Floor, New York, NY 10020.

The Apple Bank Defendants are represented by Dean G. Yuzek, Esq., Ingram Yuzek Gainen Carroll & Bertolotti, LLP, 150 E 42nd Street 19th Floor, New York, NY 10017.

14. Should I get my own lawyer?

Of course, if you do want to hire your own lawyer, you may do so. Otherwise, you can retain Julia H. Klein, [Esq.](#) of Klein Law Group of New York, PLLC, [D. Maimon Kirschenbaum, Esq.](#) and [Denise A. Schulman, Esq.](#) of [Joseph & Kirschenbaum LLP](#), and [Melissa Mazzitelli, Esq.](#) of the [Mathis Law Group](#).

15. Are there more details available?

Yes. If you have any questions or require additional information, please contact:

Julia H. Klein, [Esq.](#)
120 East 79th Street, Suite 1A
New York, New York 10021
(347) 292-8170
jklein@kleinlegalgroup.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAVINGS,

Defendants.

Case No. 20-cv-6985-LTS-SLC

CONSENT TO JOIN FORM

1. I consent to be a party plaintiff in this lawsuit ~~in order to seek redress for violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216(b).~~
2. I hereby designate the Named Plaintiffs and the Klein Law Group of New York, PLLC, [Joseph & Kirschenbaum LLP](#), and [Mathis Law Group](#) to represent me in such lawsuit and to make decisions on my behalf concerning the litigation and settlement. I understand that my business entity may be named as a crossclaim defendant in this lawsuit. I understand that reasonable costs expended on my behalf will be deducted from any settlement or judgment amount on a pro rata basis among all other plaintiffs. I understand that Klein Law Group of New York, PLLC, [Joseph & Kirschenbaum LLP](#), and [Mathis Law Group](#) will petition the Court for attorneys' fees from any settlement or judgment in the amount of the greater of: (1) the "lodestar" amount, calculated by multiplying reasonable hourly rates by the number of hours expended on the lawsuit, or (2) 1/3 of the gross settlement or judgment amount. I agree to be bound by any adjudication of this action by a court, whether it is favorable or unfavorable.

Signature

Address*

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Full Legal Name (print)

City, State, Zip Code*

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Phone number*

E-mail address*

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